1951 **File No.** A.E.C/51

Legal **DEPARTMENT**
C **BRANCH**

K

Subject.

A/96 Correspondence relating to Administrative Enquiry Committee

(P/39/E)

File No. A.E.C/51.

Std. Sectt. Slip 24 B a.

278-C

Bombay Educational Service
(Collegiate Branch).

Recommendations of the Administrative Enquiry Committee.

Government of Bombay,
Education Department,
Resolution No. SCP 1051,
Bombay Castle, 12th April 1951.

Letter from the Secretary, Bombay Public Service Commission, No. 73(a) (v), dated the 11th July 1950.

Government Letter, Education Department No.8525/31448-U, dated the 31st August 1950.

Letter from the Secretary, Bombay Public Service Commission, No. 73(a) (v), dated the 22nd March 1951.

For sub-paragraph(3) of paragraph 2 of Resolution, Education Department No. 8525, dated [illegible] 1950, substitute the following:-

"The Commission may invite a person who has achieved distinction in the subject or subjects for [illegible] is being appointed to advise them at the [illegible] of the candidates. The selection of the adviser will [illegible] the Commission, but it will be open to Government [illegible] name, along with that of the Head of the [illegible] the representative."

By order of the Governor of Bombay,

N.B.RAIKAR,
Under Secretary to Government.

Digest of Government Decisions on Recommendations contained in the Administrative Enquiry Committee's Report.

GOVERNMENT OF BOMBAY,
Political and Services Department,
Circular No. 3063/46,
Bombay Castle, 31st January, 1951.

C I R C U L A R.

A" Digest of Government Decisions on the Recommendations contained in the Administrative Enquiry Committee's Report" had been printed with object of consolidating Government decisions on the recommendations pertaining to different Departments, and of maintaining a permanent record thereof. It has been decided to distribute copies of the " Digest" as shown in the appended list.

2. The Departments and Offices are informed that the Digest is intended for official use only and such only a limited number of copies of the Digest have been printed. The Departments and Officers are therefore requested not to indent for extra copies of the same.

3. As a Supplementary Digest is proposed to be issued, the Secretariat Departments should communicate to this Department as early as possible so far as they are respectively concerned:-

(i) discrepancies, if any, in the decisions of Government as recorded in the Digest;

(ii) important modifications, if any, effected in the decisions after they were first communicated to them; and

(iii) the decisions of Government on such of the recommendations if there be any, which have remained to be placed before the Council of Ministers for one reason or the other.

For the purpose of 3(iii) above the departments should confine their scrutiny to the Summary of Recommendations in Appendix F of the Administrative Enquiry Committee's Report as the Digest does not include decisions taken by the Departments on the minor recommendations or observations and suggestions made by the Administrative Enquiry Committee in the body of the Report.

By order of the Governor of Bombay,
M.D.HIT.
Chief Secretary to the Government of Bombay,
Political and Services Department.

Accompaniment to Government Circular, Political and Services Deptt. No. 3063/46, dated 31st January 1951.

The Legal Department, Secretariat. 25 Inclusive of the copies for supply to the Heads of Departments under their Administrative Control.

Madhav Mankadam.
26/5. c/5.

Legal Department.
R.I.N. 2444.
5/2/51.

Submitted.

2. The P. & S.D. has forwarded 25 copies of ' A Disgest of Government Decisions on the Recommendations contained in the Administrative Enquiry Committee's Report' for official use of this Department and requests L.D. to communicate---

(1) discrepancies, if any, in the decisions of Govt. as recorded in the Digest.

(ii) important modifications, if any, effected in the decisions after they were first communicated to L.D. and

(iii) the decisions of Govt. on such of the recommendations if there be any, which have remained to be placed before the Council of Ministers for one reason or the other.

3. This Department is mainly concerned with the item No-s. 17 (para 91) 20(para 98) 24-26 (para 98), 42 (para 130), 45 (para 133) 47 (para 136), 48,49 (para 137), 50 (para 138) 51-60 (paras 139-147) and 243 (para 407).

4. In ~~one~~ nine of these above items there is---

(1) any discrepancy in the decisions
(2) important modifications effected in the decisions
(3) decisions remained to be placed before the Council of Ministers.

No action is therefore necessary in L.D. and the papers may be filed after 'D' branch has distributed the copies.

sd/-
24/2.
S. S.

sd/-
4/4.
A. S.

sd/-
6/4.
Secy L.D.

sd/-
14/4.
Addl. Secy, (for information)

Please send a copy for my use.

sd/-
14/4.

Madhav Raokadam. c/5. 28/5.

No. 7261

Legal Department,

Bombay Castle (Bombay No.1), 8th May 1951.

Subject:- Digest of Government Decisions on the Recommendations contained in the Administrative Enquiry Committee's Report.

MEMORANDUM.

The undersigned presents compliments to the Chief Secretary to the Government of Bombay, Political and Services Department and with reference to that Department Circular No. 3063/46, dated the 31st January 1951 on the above subject is directed to state that so far as this Department is concerned there are no-

(i) discrepancies in the decisions of Government as recorded in the Digest;

(ii) important modifications effected in the decisions, and

(iii) recommendations which have required to be placed before the Council of Ministers.

By order of the Governor of Bombay,

sd/- J.R.D.
7/5.
Assistant Secretary to Government.

To

The Chief Secretary to the Government of Bombay
Political and Services Department.

Madhav Rao/dalvi.
26/5. c/5.

Administrative Enquiry Committee's Report.

Recommendation contained in paragraph 305 of the .....
Improvement in office procedure in the district offices.'

GOVERNMENT OF BOMBAY,
Political and Services Department,
Resolution No.3063/46.
Bombay Castle, 2nd June 1951.

Read Government Resolution, Political and Services Department, No. 3063/46, dated the 14th June 1950,

Read Government Resolution, Political and Services Department, No. 3063/46, dated the 9th November 194..

RESOLUTION :- In paragraph 305 of its report the Administrative Enquiry Committee has recommended inter alia that Government should detail some officer with district experience to examine the procedure in a few district [illegible] examining the paperwork from five typical Government offices. After studying the reports received from the Commissioners of Divisions who were asked to examine the procedure in the offices in their respective divisions and the report of the Special Officer, Retrenchment, Government has come to the conclusion that there is still some scope for improvement in the procedure followed in the offices in the Districts. Government is accordingly pleased to direct that the Deputy Secretary, Revenue Department (Inspection) should make suggestions in general in the matter of improvement in office procedure in the District Offices wherever found necessary during the course of his inspection tours for the consideration of the Secretariat Departments concerned.

By order of the Governor of Bombay,

M.D. DEVT.
Chief Secretary to the Government of Bombay,
Political and Services Department.

Madhav Bachkaw,
c/5. 26/5.

Administrative Enquiry Committee's
Recommendations contained in paragraphs
139-140.

Government of Bombay,
Political and Services Department,
Circular No. 3063/46.
Bombay Castle, 8th December 1951.

In pursuance of Government Resolution, Political and Services Departments, No. 3063/46, dated the 21st September 1950 the system of office procedure recommended by the Administrative Enquiry Committee in paragraphs 139-140 has been given a trial in the three Departments viz., the Development Department, the Education Department and the Public Works Department. Before considering the question of extending the system to all other Departments of the Secretariat it has been found necessary to ascertain from them the number of persons who would be available for allotment to the Noting Branches after the decentralization of the Registry and whether the new system would prove more economical or could be implemented without recruiting additional staff. The Departments are therefore requested to forward the information in the accompnaying form urgently.

2. The Departments should note that it is not necessary to include in the statement the number of posts in the Issue Section, Cashiers Section and Confidential Clerk. The number of posts of Examiners should however be indicated. The number of posts sanctioned in the Registry for any special kind of work viz., Classification and destruction of records should not be included in the column 2 of the statement but the same should be shown separately in column 4.

By order of the Governor of Bombay,

sd/-
For Chief Secretary to the Government of Bombay
Political and Services Department.

Madhav Rookadam.
26/5. c/5.

Accompaniment to Government Circular, Political and Services Department, No. 3963/46, dated the 8th December 1951.

Name of the Department.	Total number of posts in the Registry. 2		Total number of Noting Branches. 3		Remarks, if any. 4
	Permanent	Temporary	Permanent	Temporary	
1	(a)	(b)	(a)	(b)	

Akadem. c/5. 88/5.

25616
11/12/51.

Submitted.

2. The P. & S. D. in its Circular at p. 1 ante states that the system of office procedure recommended by the Administrative Enquiry Committee in paragraphs 130-140 has been given a trial in the three Departments viz., the Development Deptt., the Education Deptt, and the Public Works Deptt. The P. & S. D. wants to ascertain from this Deptts. the ~~xx~~ number of persons who would be available for allotment to the Noting Branches after the decentralisation of the Registry before considering the question of extending the system to all other Deptts. of the Secretariat That Deptt. also wants to know whether the new system would prove more economical or could be implemented without ~~xxxx~~ recruiting additional staff. The L.D. is therefore requested to forward the information in the form at p. 2 ante urgently. It is not necessary to include in the statement the ~~xx~~ number of posts in the Issue Section, Cashier's Section and the Confidential Clerk. The number of posts of Examiners should however be indicated. The number of posts sanctioned in the Registry for any special kind of work viz., classification and destruction of records should not be included in the column 2 of the statement but should be shown separately in column 4.

3. The Maxwell system is not in force in L.D. Attention in this connection is invited to noting at slips 1 to 7 in the file A&C/48-49. It will be seen from Secy's (Shri Lal) note that he was in favour of the present system. He was however observed that final decision may be taken after

definite orders are received. It appears that P. & issuing final orders after receipt of replies from the Deptts. now take final decision as to whether the present system should be continued or not. If it is decided not to continue the present s stem it will be necessary to strengthen the branch. There are no examiners in this Deptt. There is no Issue Section or Registry also. It is also not feasible to adopt the new system in L.D. as this Deptt. generally receives U. Os from other Deptts and they are returned with the M.L.A's opinions and hence the correspondence from the other Deptts. is not maintained. As far as suit and criminal matters are concerned it is desirable that the whole correspondence should be kept together and not as divided in the new system. It will be seen from this that the new s stem will not work in L.D. The P.& C.D. may therefore be informed that the Maxwell system is not force in L. D. and as such the new s stem will not be workable and that the statement cannot be filled in.

4. For orders.

sd/-
22/12/51.
Deptt.

Please see 'B' on page 1 ante. The Maxwell system is not in force in this Department. The question of its introduction would have necessitated the employment of additional staff consisting of one U. A. and 6 clerks vide para 5 of Shri Velankars's note at p. 331 of Com A2004 As Maxwell System is not in force in L.D. there is no separate Issue section or Registry as such. It will therefore be seen that this Dept ment is working commercially with a limited number of hands without the Maxwell system. The question of decentralization of the Registry does not therefore arise as far as L.D. is concerned and consequently there

there will be no hands who can be made available for noting branches.

In view of the facts mentioned above L.D. may decided to adhere to the present "catchword" system and inform P & S. D. as at 'A' above.

sd/- 27/12/51.
A. S.(Adm.)

Attention is invited to Secy's note dated 22/5/50 p. 336 of file AECommittee/48-49 slip. The P. & S. D. may be informed as at 'A' in Supdt's note on p. 4 ante.

sd/-
31/12.

D. S.

In view of Secy's (Shri Lal's) note, we may adhere to the present system, and the P. & S. D. may be informed as proposed at A. A. of Supdt's note ante.

A-1

sd/-
31/12.

R. L.A.

The decision not to adopt Maxwell's system was taken long before It was, I think, in 1927 or 1928 whose are these papers.

sd/-
31/12.

Submitted

Please see pp. 417 428(slip B) in L.D. Volume No. 7 of 1928 especially page 428.

[redacted]

Reply as at A. We may add that the [redacted] question was [redacted] in 1928 and in view of the peculiar nature of the work in L.D. it was decided not to adopt the Maxwell system intoto to follow it in a modified form.

sd/- 2/1

No. 235

Legal Department,

Bombay Castle (Bombay No.1) 10th January, 1952.

Subject:- A.R.C.'s Report
Recommendations contained in paragraphs 139-140.

Forwarding.

The undersigned presents compliments to the Chief Secretary to the Government of Bombay, Political and Services Department and with reference to that Department Circular No. 3063/46, dated the 8th December 1951, on the above subject, is directed to state that Kardex system is not in force in this Department. There is no separate Issue section or Registry as such. It will therefore be seen that this Department is working economically with a limited number of hands without the Kardex system. The question of decentralisation of the Registry does not, therefore, arise so far as this Department is concerned and consequently there will be no hands who can be made available for noting branches. The question of adopting Kardex system was examined in 1948 and in view of the peculiar nature of the work in Legal Department it was decided not to adopt the system in totex and to follow it in a modified form

By order of the Governor of Bombay,

sd/- [illegible].D.
9/1

for Secretary to the Government of Bombay,
Legal Department.

Mother Resolution.

26/3. 6/3.

Administrative Enquiry Committee's Report.

Recommendations contained in para graphs 138-140.

GOVERNMENT OF BOMBAY,
Political and Services Department,
Resolution No. 3063/46,
Bombay Castle, 21st September 1950.

Read Government Resolution, Political and Services Department No. 3063/46, dated the the 27th April 1949.

Resolution :- In partial modifications of Government Resolution Political and Services Department No. 3063/46, dated the 27th April 1949 Government is pleased to direct that the Recommendations of the Administrative Enquiry Committee mentioned therein should be given a trial in three departments viz. the Development Department, Education Department and Public Works Department for a period of three months and the results reviewed in a Secretaries' meeting at the end of the period. The Development Department should first start with the new System and the other two departments should introduce it at an interval of two weeks each. The Lower Division in these three departments may be ~~strengthened~~ strengthened by the addition of two persons in all for a period of two months. The departments concerned should arrange for this in consultation with the Finance Department.

2. The question of placing the Registry in charge of a Senior Assistant should be considered after it is finally decided to implement the new system.

By order of the Governor of Bombay,

H.D. HIRAT,
Chief Secretary to the Government of Bombay,
Political and Services Department.

Madhav Baokaram.
20/5. c/f.

Legal Department.
R. I. No. 17813
28/9/50.

Submitted with pp. for information.

2. As regards para 1 of the P.& S.D. G.R. at page 1 ante, no action is necessary in L.D. as the trial is given in the D.D., E.E. D. and P.W. D.

I agree
sd/-

3. As regards para 2 of the G.R. as there is no 'Maxwell system' followed in L.D. there is no 'Registry Branch' as such in L.D. and hence no action is necessary. However according to the Secretary's orders dt.27-5-50 we may wait till the final decision is reached in the matter.

file in A.E. C./50.

sd/-
3/10.
S.S.

sd/-
12/10.

A. A. S.

I do not agree even though there was no Registry we have created a Supdt's post for Record section.

sd/-

See 'A' of my note dt. 27-5-50 and Secy's remarks will office ascertain whether any definite conclusions have since been reached.

sd/-
12/10

C Branch.

Submitted with reference to the A.A. S's above query.

2. It appears that the German system has altogether been abandoned and in its place new decimal system of filing (in vogue with the Govt. of India) is being given trial in E. D. E. D. & P.W.D. as mentioned in the G. R. at p.1 ante.

sd/-
13/10.

S.S.

sd/-
14/10.

Let us await next step after the the experimental period is over.

A. A. S.

sd/-
16/10.

Madhav Rokadam.
28/5. c/5.

Administrative Enquiry Committee's Report.
Recommendation made in paragraph 68 of the Government Orders on.....

Government of Bombay,
Political and Services Department,
Resolution No. 3063/46.
Bombay Castle, 10th April 1949.

RESOLUTION OF GOVERNMENT.

In paragraph 68 of its report the Administrative Enquiry Committee has suggested that there should be a re-allocation of some of the subjects among the various Departments of the Secretariat Government has carefully considered the recommendation and is pleased t direct that the subjects mentioned in the accompanying statement should be transferred with effect from the accompanying statement should be transferred with effect from the 1st May 1949 or as soon as possible thereafter from the Departments to which they are allotted as per the Schedule to the Rules of Business to the Departments shown against their names in the Statement and that necessary amendments to the Schedule to the Rules of Business should be made. The Departments concerned should take action accordingly.

By order of the Governor of Bombay,
S. D. [illegible]
Chief Secretary to the Government of Bombay,
Political and Services Department.

Madhav Bhokadam.
28/5.

Statement showing the subjects to be transferred from the Department to which they are allotted to the Departments shown against their names.

Subject.	From	To
Shipping and Navigation on inland waterways as regards mechanically propelled vessels and the rule of the road on such waterways carrying of passengers and goods on inland waterways.	Political and Services Department.	Public Works Department.
Exhunations, missing persons, estates of deceased person.	Political and Services Department.	Home Department.
Indian States Convicts, Lunatics Process serving (Extradition remaining with Political and Services Department)	Political and Services Department.	Home Department.
Ancient Monuments, Archeological sites and remains	Political and Services Department.	Education Department.
Maritime Shipping and Navigation including shipping and Navigation on tidal waters, Inland Steam Vessels Act.	Political and Services Department,	Public Works Department.
Admiralty Jurisdiction	Political and Services Department	Law and Justice.
Light Houses including lightships beacons and other provisions for thesafety of shipping and air craft.	Political and Services Department.	Public Works Department.
Copy Right	Political and Services Department	Education Department.
Inventions, Designs, Trade Marks and Merchandise Marks.	Political and Services Department	Development Department.
Firearms, ammunitions (so far cences for export of arms and tions to foreign places within thout India are concerned)	Political and Services Department.	Home Department.
	Political and Services Department.	
liquids and substances dangerously ge, storage	Political Department	and General

Subject	From	To
Parks and Gardens.	Political and services Remarks Department.	Agriculture and Forest Dept (Forest folio should however continue to be in charge of the Honourable the Premier).
Suits and Summons	Political and Services Department.	Law and Justice
Administration of Justice Constitution and Organisation of all Courts except the Dominion Court and fees taken therein (Except fees taken by means of Judicial Stamps.	Home Department	Law and Justice.
Appointment of J.P's Grant and withdrawal of Magisterial Powers.	Home Department	Law and Justice.
Jurisdiction and powers of all Courts except the Dominion Court, with respect to any of the matters in this list, procedure in Rent Aid Revenue Courts (Except procedure in Court of Appeal in Revenue Cases established under Section 296 of the Act of 1935.)	Home Department.	Law and Justic
Criminal law including all matters included in the Indian Penal Code at the date of the passing of the Act of 1935, but excluding offences against laws, with respect to any of the matters specified in list I or List II and excluding the use of Naval, Military and Air Forces in aid of the civil power.	Home Department	Law and Justice.
Civil Procedure including the Law of Limitation and all matters included in the Code of Civil Procedure at the date of passing of the Act, of 1935, the recovery in a Governor's Province or a Chief Commissioner's Provinces of claims in respect of taxes and other public demands including arrears of Land Revenue and sums recoverable as such, arising outside that Province.	Home Department	Law and Justice.
Evidence and Oaths, Recognition of Laws, Public Acts and Records and Judicial Proceedings, Provincial Law Reports.	Home Department	Law and ce.
Criminal Procedure including all matters included in the Code of Criminal Procedure at the date of passing of the Act of 1935.	Home Department.	
Marriage and Divorce, Infants and Minors Adoption (except Registration of Marriages)	Home Department	

	From	To
Wills, Intestacy and Succession save as regards agricultural land.	Home Department.	Law and Justice.
Trusts and Trustees.	Home Department.	Law and Justice.
Contracts including Partnership, Agency, Contracts of Carriage and other special Forms of Contract, but not including contracts relating to agricultural land.	Home Department.	Law and Justice.
Arbitration.	Home Department	Law and Justice
Bankruptcy and Insolvency, Administrators General and Official Trustees.	Home Department	Law and Justice.
Actionable wrongs save in so far as included in Item with respect to any of the matters specified in List I or List II	Home Department.	Law and Justice
Jurisdiction and Powers of all Courts, except the Dominion Court with respect to any of the matters in this List.	Home Department	Law and Justice
Wills and Acts other than those pertaining to subjects dealth with in other Departments.	Home Department.	Law and Justice.
Commons	Home Department	Law and Justice.
Examination of clauses of all bills relating to imposition by legislation punishment by fine, penalty or imprisonment, for enforcing any law of the the Province	Home Department.	Law and Justice
Jurisdiction and powers of all Courts, except the Dominion Court, with respect to any of the matters in this list, and to such an extent as is expressely authorised by part III of the Act of 1935, the enlargement of the Appellate, jurisdition of the Dominion Court, and the Conferring thereon of Supplemental Powers.	Home Department.	Law and Justice.
Paper Courts	Home Department	Law and Justice.
Ports other than Major Ports.	Revenue Department	Public Works Department(subject to decision of the Cabinet on the question of reorganisation of Public Works Department).

Subject	From	To
Cattle Pounds and Prevention of Cattle Trespass	Revenue Department	Agriculture and Forest Department
Forests.	Revenue Department	Agriculture and Forest Department
Regulation of Mines and Oil fields and Mineral development subject to the provisions of List I with respect to regulation and mine development under the Control of the Dominion Government.	Revenue Department.	Development Department.
Protection of Wild Birds and Wild Animals	Revenue Department	Industries and Labour, Agriculture and Forests Departments
Religious Endowments.	Revenue Department.	Law and Justice.
Collectors Reports, Border Reports	Revenue Department	Political and Services Department.
The Geological Surveys of India	Revenue Department.	Development Department.
The Botanical Surveys of India	Revenue Department	Agriculture and Forests Department.
Regulation of Mines and Oilfields and mineral developments to the extent to which such regulation and development under the control of the Dominion Government is declared by Dominion law to be expedient in the public interest.	Revenue Department.	Development Department.
Water, that is to say Water Supplies, Irrigation and Canals, Drainage and embankments, water power(so far as minor irrigation works are concerned)	Agriculture and Rural Development Department.	Public Works Department(Subject to the decision of the Cabinet on the question of reorganisation of Public Works Department)
Production, supply and distribution of goods, development of industries subject to the provisions in the List I with respect to the development of certain industries under the control of the Dominion Government.	Education and Industries Department.	Development Department
Weights and Measures.		Education and Industries Department

Subject.	From	To
Stores	Education and Industries Department.	Development Department.
Fisheries	Education and Industries Department	Development Department.
Development of Industries	Education and Industries Department.	Development Department.
Relief of the Poor, unemployment.	Health and Local Government Department.	Labour Department.
Charities and Charitable institutions, Charitable Endowments, Charitable Endowments Act and Rules.	Health and Local Government Department.	Law and Justice.
Capitation Taxes, Taxes on professions trades, callings, and employment, Taxes on animals and boats, Taxes on the sale of goods and on advertisements.	Health and Local Government Department.	Health and Local Government Department should deal with these taxes so far as they are levied by local bodies, and Revenue Department should deal with these so far as they are levied by Government.
Legal Professions.	Health and Local Department.	Law and Justice.
Newspapers and books	Health and Local Government Department.	Education Department.
Government Printing Presses, Stationery and other official publications.	Health and Local Government Department.	Development Department.
Religious and other societies and associations.	Health and Local Government Department.	Revenue Department.
Literary and Scientific Associations	Health and Local Government Department.	Education Department.
Incorporation, regulations and winding up of Corporations Specified in List I	Health and Local Govt. Deptt.	Finance Deptt.
Rent Act.	Health and Local Government Deptt.	Labour Deptt.

continued.

Subject	From	To
Accommodation and requisitioning in Bombay City.	Health and Local Government Department.	Labour Department (Subject to the proviso that for the time being it should be handled by Revenue Department).
Expenditure in connection with Government Houses (including works expenditure)	Finance Department	Political and Services Department.
Gas and Gas Works	Public Works Department.	Development Department.
Works in connection with management of the Industrial Housing Scheme	Public Works Department	Labour Department.
Resettlement of Servicemen.	Reconstruction Department.	Home Department.
Distilleries	should remain with the R.D. as at present.	should remain with the R.D. at present.
Distribution of Milk	should remain with the C. S. D.	should remain with the C. S. D.
Forests	Revenue Department	Agriculture and Forest Department.
Sales tax	Finance Department.	Revenue Department.
Justice	Home Department.	Legal Department.

vide P & S. D. corrign. No. 3063/46 dt. 18/3/49.

Madhav Ranadan
28/5/56.
c/5.

To quote a concrete instance take the case of Mr. Gore B.A.LL.B, who is at present Offg. Supdt. in H. D. He is a permanent Senior Asstt. and if he is brought in L.D. He will be senior to Mr. Dhotre who holds a substantive J.A's post. The H.D. personnel will have to be given their due seniority in this Deptt. as they are proposed to be transerred on public grounds and they do not come to this department of their own accord. It will thus be seen that the bringing of the H.D. personnel will greatly prejudice the proppects of the present members in L.D. and the result would be discontent. Secondly, if the H. D. personnel are brought here they would naturally seek their further proppects in L. D. We cannot expect that they would remain content on the posts that they would be holding at the time of their transfer to L.D. In the reorganisation scheme of this Deptt. The opinion and Legislation branches have been made as water tight compartments but some officers pdts have been kept open for the members of each branhh. These posts will not therefore be open to these H. D. personnel. Even assuming that those personnel are made eligible for A. S. (Admn) post it is hardly expected to satisfy them when they see that the posts of D. S. (Civil) and D.S. (Legislation) are kept open for members of opinion and Legislation branches respectively. In order therefore to avoid all these complications and possible discontent among the present L.D. Staff, Office suggests that the personnel from H.D. may not be brought at all. For smooth working it would suffice if one or two members are brought to this Deptt. on deputation for a period of say three months to train the L.D. personnel. If this is approved the question of alloting these posts may be considered at the appropriate time. It is however pointed out that the

Submitted.

In addition to the subjects transferred from H.D. to this Department it has been decided to transfer the following subjects shown against them to L.D.

1) Admiralty Jurisdiction 2) Suits and Summons	P. & S. D.
1) Religious Endowments -	R. D.
1) Charities and charitable institutions, Charitable endowments, Charitable endowments Act and Rules. 2) Legal Professions.	H. & L. G. Deptt.

2. None of the Departments concerned has taken any action with regard to the transfer of subjects pertaining to it. Perhaps a conference of the Assistant Secretaries of the Deptts concerned may be convened to fix the details. If this is approved, the S.A.S will please indicate the date on which the conference should be held.

3. The date for transfer of subjects from H.D. has been fixed provisionally as 1st August 1949. In this connection the following points require consideration.

Transfer of Personnel :- It is proposed to transfer to this Deptt, personnel holding the posts. If this proposal is finally accepted it will be necessary to fix the seniority of these personnel in relation to the [illegible] members in L.D. on the strength of [illegible] years service that each individual has put in

Submitted.

In addition to the subjects that are to be transferred from H.D. to this Department it has also been decided to transfer the following subjects as shown against them to L.D.

1) Admiralty Jurisdiction 2) Suits and Summons	P. & S. D.
1) Religious Endowments -	R. D.
1) Charities and charitable institutions, Charitable endowments, Charitable endowments Act and Rules. 2) Legal Professions.	L. & L. G. Deptt.

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Transfer of Personnel :- It is porposed to transf to this Deptt, personnel holding the posts. If this proposalxxx is finally accepted it will be necessary to fix the seniority of these personnel in relation to the members in L.D. on the strength of number of years service that each individual has put in. To

the Secy. had promised the non-legal section when they had gone to see him on deputation to consider their claims for those posts when they are transferred to L. D.

4. Consequent on the transfer of the subjects from H.D, and other Deptts. the work in the Establishment and Record branches will greatly increase. As it is, it has already increased to a great extent. It will not therefore be possible for these two branches to shoulder this additional burden of work without sufficient extra staff. If the above view is accepted a self-contained note regarding additional staff will be put up.

Accommodation.- It will be necessary to find additional accommodation to house the extra staff. It is for consideration whether the Political Deptt. should be requested to arrange for the necessary accommodation.

Furniture.- Additional furniture will be required. A note will be put when it is known exactly how much extra staff will be sanctioned in the Deptt.

sd/-
27/5
S. S.

sd/-
28/5.

It is usual that when subjects are transferred from one department or from one Govt. to another, the personnel dealing with them go to the other department or Govt. along with the records thereof e.g. Messrs. Chevis and Bhatt of Bombay Govt. went to the Govt. of India when Marine subject was transferred to Central Govt. On the other hand, when the

subject of Motor Vehicles was transferred from H. D. to R. D. Mr. Bhende Supdt, in H.D. was sent for a certain period for training R.D. staff. If, therefore, the personnel of the Departments concerned, ~~training~~ dealing with the subjects, to be transferred to L.D. is brought to the L.D., they may rightly claim their due seniority or promotion in the Legal Department on the basis of heir service in their parent departments. Consequently, the result anticipated in para 3 of the office note is bound to happen and can be avoided only by bringing them say for a stated period, till L.D. members are trained, in those subjects.

Also, the question of their accommodation and of furniture form them in L.D. deserves full consideration, because L.D. ~~has~~ has no additional space and additional furniture will have to be purchased. As the transfer of the subjects is likely to take place on or about 1.8.1949, C. branch should put up a detailed note for both these items before 1-7-1949.

sd/- B. D. Pandit.
30/5/49.

S.A. S. It is understood that action for the transfer of subjects to L.D. will be taken by the Deptts. transferring the subjects Presumably L.D. will be instructed the date of transfered in advance so that the question of the transfer of staff from the transferring Deptt. and of accommodation of the staff required for the transferred jects and other connected problems can be considered that time.

sd/-
6/6
Secy. sd/-
6/6.

Madhav Raokadam.
28/5. c/5.

No. 0/42346-A. 35.

Revenue Department,
Secretariat, Bombay,
6th June 1949.

To

The Assistant Secretary to the Government of Bombay,
[illegible] DEPARTMENT.

Reference your memorandum 1826/5, dated ~~the~~ 24th May 1949.

This department agrees to the transfer from this ~~former~~ department of subjects "Cattle Pounds and Prevention of Cattle Trespass" and "Charitable and Religious Endowment" to the Home Department and Legal Department respectively, with effect from 1st August 1949.

By order of the Governor of Bombay,

sd/-

Assistant Secretary to the Government of Bombay,
Revenue Department.

Copy to Legal Department.

Le. D.
R. I. No. 8679
16/6/49.

Submitted for information.

2. R. D. agrees to transfer of subject 'Charitable and Religious Endowment' to this Department with effect from 1st August 1949. It is presumed that R.D. will take necessary action pertaining to transfer of the subject in due course.

sd/- (Through B)
17/6.
~~sd/-~~ S. S. sd/- 24/6.
~~Please put up the papers urgently disposed of~~ & S.A.S. in re~~gard~~
~~of such transfer.~~
~~sd/-~~ 20/6. sd/- 20/6. C Branch sd/- 2[illegible]

No. 7644
Legal Department,
Bombay Castle, 9th July 1949.

Memorandum.

The undersigned presents compliments to the Assistant Secretary to the Government of Bombay, Revenue Department and with reference to that Department's memorandum No. Q/ 42346-A, dated the 6th June 1949, regarding the transfer inter-alia of the subject 'charitable and Religious Endowment' to the Legal Department, is directed to inform him that this Department has already taken charge of the Bombay Public Trusts Bill, 1949 and that it would not be convenient for this Department to accept the transfer of the subject itself until the Bill becomes law and the new organization starts functioning. He is therefore requested to postpone the transfer of the subject till then.

By order of the Governor of Bombay,

sd/- D. D. PANDIT.

for Secretary to the Government of Bombay,
Legal Department.

sd/-
8/7.

To

The Assistant Secretary to the Government of Bombay,
Revenue Department.

S. A. S after issued.

Madhav Rajkadam.

20/5. c/5.

submitted.

These papers relate to the transfer of subjects from the Home Department. The P.& S. D. has pointed out in their note at p. 90 ante that it might be be desirable to transfer immediately such subjects as will not make any appreciable difference to the work in either Department and that where the transfer is linked up with the question of staff the same may wait till the new Development Department is created. As the transfer of H. D. subjects is linked up with the question of transfer of personnel, the Home Department has no objection to its postponing the transfer. The papers are shown to L.D. with regard to the establishment which will be required to deal with the subjects and thereon their transfer.

2. In this connection attention is invited to office note dated 27th May 1949 in which the question of transfer of H. D. personnel to this Department, their relative seniority vis-a-vis the members already in the Department has been discussed in full. It is therefore necessary to decide at this stage whether we would accept the H.D. staff or whether we should infrom the H. D. that this Deptt. proposes to make the arrangements as suggested (viz. Deputation of staff) in the said office note.

sd/-
3/8.
S.S.

sd/-
8/8
A. S.

sd/- B.D.P.
10/8/49.

Will A. S. please make his own proposals ~~?~~? In view of A above can we at this stage make any definite proposals.

sd/-
10/8.

Re submitted.

2. Please see my note dated 30-5-1949 on the linked file slipped A (~~this~~ Below). As in this case, the question of ~~transfer~~ transfer of staff is involved, it may await ~~29/5/49~~ the promotion of the Development Department.

sd/- B.D. Pandit.
23/8/49.

As the papers were required by the H. D. They have been handed over to Mr. Dandekar under A. S. 's instructions.

sd/- sd/-
12/9.

S. A.S.

Since the formation of the Development Department from 5-9-1949 has been arrived at (vide E & I.D. Memor No.9066 dated 5.9.1947) it will be necessary to decided on para 2 of office note dated 3.8.1949 overleaf at p.109 reach with the S.A.S's view at x on p.55 ante.

sd/- B.D.Pandit.
8/11/49.

S. A. S.

Madhav Raokadam.
20/5. ~~xxx~~ c/5.

Submitted.

These papers relate to the transfer of subject 'Justice' from H.D. to L.D.

2. By G.R., P.& S.D. No. 3063/46, dated the 19th April 1949 it has been decided to transfer certain subjects from one Deptt. to another. The subjects 'Justice' is to be transferred from H. D. to this Deptt. A meeting of the Asstt. Secys. of the H.D. P.& S.D., L.D. R.D ~~L.D. P.W.D.~~ etc. was held and it was suggested by the ~~xx~~ A.S. L.D. that the staff dealing with the subject should be transferred to L.D. But before the transfer of the subject it would be necessary to consider a number of questions e.g. the question of accommodation for the staff which will be transferred from H. D. to L.D. the suitability of the said staff, their relative seniority vis-a-vis the L.D. staff, the pruchase of furniture for the additional staff etc.

3. The questions raised by the S.A.S. L.D. were fully discussed in paras. 3 & 4 of office note dated 27th May 1949 vide slip 'A' the loose papers below. The S.A.S. with whom the Secy. agreed stated on this note that the action for the transfer of subjects to L.D. will be taken by the H.D. and that the date of transfer of the said subject will be intimated to this Deptt. in advance and the questions discussed in the said office note considered that time.

The H.D, has now referred the papers to this Deptt? with reference to the P. & S.D. note on P. 90 ante. The P.A in the said note has pointed out that it might be desirable to transfer immediately such subjects as will not make any appreciable difference to the work in either Deptt. and that where the transfer is linked up with the question of staff, the same may wait till the Development Deptt. is created. Since the transfer of H.D. subject involved the question of transfer of personnel the case was held over pending the formation of the D.D. The D.D. has now been formed and hence the question of transfer of H.D, subject may be considered The office n te dated 27th May 1949 is self explanatory in this respect.

5. Attention is invited para. 6 of this Deptt. Memo No. 645-Confl. dated the 17th October 1949 to the P. & S.D. in which it presumed that the actual transfer of the H.D. subject will take place after the separation of the Executive from the Judiciary. In that case the H.D. may be informed that it is not possible to take over the H.D, subject at present and that the transfer of the said subject may be effected after the separation of the Executive from the Judiciary.

sd/-
18/xI
S.S.

22/11

A. S.

sd/- B.D. Pandit.
24/11/49.

Secretary

I do not know what final decision has been taken by Govt. in this matter H. D. may be informed in terms of whatever have been in A and that the question will be considered when final decision is taken.

sd/- P.M.L.
24/11.

Madhav Rapkadam.
29/5. e/5.

45-46.

The H.D, has now referred the papers to this Deptt. with reference to the P. & S.D. note on P. 90 ante. The P.& S. D. in the said note has pointed out that it might be desirable to transfer immediately such subjects as will not make any appreciable difference to the work in either Deptt. and that where the transfer is linked up with the question of staff, the same may wait till the new Development Deptt. is created. Since the transfer of H.D. subject involved the question of transfer of personnel the case was held over pending the formation of the D.D. The D.D. has now been formed and hence the question of transfer of H.D, subject may be considered The office n te dated 27th May 1949 is self explanatory in this respect.

5. Attention is invited para. 6 of this Deptt. Memo No. 645-Genl. dated the 17th October 1949 to the P. & S.D. in which it presumed that the actual transfer of the H.D. subject will take place after the separation of the Executive from the Judiciary. In that case the H.D. may be informed that it is not possible to take over the H.D, subject at present and that the transfer of the said subject may be effected after the separation of the Executive from the Judiciary.

sd/-
18/XI
S.S.

22/11

A. S.

sd/- B.D. Pandit.
24/11/49.

Secretary

I do not know what final decision has been taken by Govt. in this matter H. D. may be informed in terms of whatever have been final in A and that the question will be considered when the final decision is taken.

sd/- P.M.L.
24/11.

Madhav Raokadam.
29/5. c/5.

Legal Department.

Seen and returned to the Home Department.

2. The attention of the Home Department is invited to paragraph 6 of this Department Memorandum No. [illegible] Genl., dated the 17th October 1949 to the [illegible]olitical and Services Department (copy appended) in which it is presumed that the actual transfer of the Home Deptt. subject will take place after the separation of the Executive from the Judiciary. Accordingly the fixation of the date of taking over the Home Department subject will be considered when the final decision is taken in this matter.

sd/- P.N. L.

Secretary to Government.

[illegible] to H.D. No. 13600, dated the 20th November 1949.

[illegible]dum.

[illegible] c/5.

Submitted.

It was presumed in this Department Memo No. 645-confl, dated the 17th October 1949 that subject ' Law and Justice' would actually be transferred to this Deptt after the separation of the Executive from Judiciary. The P.& S.D. in their note at pages 114-115 ante have confirmed the said presumption. The H.D. now requests that the various points viz the question of accommodation for the staff, the ~~fam~~ transfer of the H.D. staff, their suitability, their relative seniority vis-a-vis the L.D. staff, the purchase of furniture for the additional staff etc may now be considered so that a final decision in the matter may be arrived at by the time separation of the Judiciary from the Executive takes place.

2. The question regarding the transfer of ~~the~~ H.D. staff along with the subject has been fully discussed in para 3 of office note dated 27th May 1949 slip A in loose papers below. the orders on this question may, if deemed fit, be passed now. The other two points viz the additional accommodation and furniture for the extra staff will be taken up after the necessary orders on the said question are passed.

sd/- 3/1 A/ Perhaps the H.D. may be informed that the necessary steps in the matter will be taken after the executive is separatd from the Judiciary.

as at A.

[illegible] A.L.R. please [illegible] and discuss with me.

sd/- 7/1.

Sd/- 6/1

sd/- B.D.P. 7/1.

A. S. (Mr. Pandit)

Madhav Raokeden
29/5. c/5.

I discussed this case with the Superintendent, B branch ~~adds~~ a senior assistant of A branch from H.D. It appears from the extract at p.35 ante that as many as 20 subjects are proposed to be transferred from H.D. to L.D. Out of them 10 are dealt with in B branch (the rest of the work done in that branch being negligible) while the remaining 2 relating to the appointment of J...s, appointment and transfers of Gazetted Judicial Officers, investment of powers and disciplinary action are dealt with in ~~a~~ A branch of H.D. Since the merger of States in the Bombay Province, I am told that the work in respect of these subjects has increased by 1/3rd. The B branch consists of 1 Senior Superintendent, 1 Senior Assistant and 2 Junior Assistants. The volume of work done in A branch relating to the 2 subjects approximately amounts to 1/3rd of the work done in that branch. The branch consists of a Superintendent, 1 Senior Assistant and 3 Junior Assistants. Taking into account the increase of work after the merger of States it appears that the staff absolutely necessary to deal with the subjects proposed to be transferred to L.D. would be 1 Senior Superintendent 2 Senior Assistants, 3 Junior Assistants, besides a clerk and a typist.

2. The next question of consideration is whether we should agree to the H.D. staff i.e. the whole B branch add a Senior Assistant from A branch being transferred to L.D. In this connection 3 points arise for consideration.

(1) Whether this staff constituting a branch should be treated as a separate unit in L.D.,

(2) whether it may be merged in L.D. staff,

(3) whether we should ask for a loan of that staff or part thereof temporarily until the staff in L.D. is trained to do that work.

The first point can be ruled out for unless higher posts are ear-marked for this staff which looking to the volume of work involved appears to be impossible. The merger of the staff in L.D. staff appears to involve many complications. The staff recruited to the upper service in L.D. consists of Law Graduates. I am told that the Senior Assistant of B Branch in H.D. are Law Graduates, who would be mis-fit in L.D. Even those law graduates the others being merely Graduates may not be suitably merged in L.D. staff for they have not been trained in legal work and their promotion to higher posts which would require legal acumen and legal training would not be possible. Besides, the Superintendent expressed a desire that he and his Senior Assistant would prefer to remain in L.D. for their prospects in H.D. are much brighter than those in L.D. Further L.D. staff may have a legitimate grievance that the merger of this staff in L.D. would prejudice their prospects. In the circumstance I think the third alternative viz. the loan of their staff on a temporary basis would far more desirable. If the whole staff is taken from the H.D. staff temporarily it would be difficult for L.D. staff to get trained for that work before H.D. staff is released. I therefore propose that the Senior Superintendent of B branch and a Senior Assistant of A branch of H.D. should be taken on a temporary basis for a minimum period of one year on condition that after one year they may go back to H.D. as and when they get higher promotions in that department. We should put one Senior Assistant and 3 Junior Assistant of L.D. under them to be trained so that there would

there would be no difficulty when that Senior Superintendent and the Senior Assistant revert to H.D. We may therefore agree to the transfer of the Senior Superintendent of B branch and one Senior Assistant of A branch to L.D. The rest of the staff necessary may be recruited by L.D.

3. The difficultry of accommodation for the staff has got to be solved first by Government. There is absolutely no spare space in L.D. to accommodate the new staff. Government will have therefore to make provision for accommodation Necessary furniture can be pruchased when the subjects are actually transferred to L.D.

Mr. Chaudhari in general agreement with my view. sd/- 11/1.

sd/- 11/1. Secy

I would like to discuss this with A.L.R. to Mr. Chaudhari tomorrow.

sd/- P.L.L. 11/1.

A.L.R.

This case was discussed with the R.L.A. and on the lines settled at the discussion the following draft reply is suggested for approval.

2. It appears from the extract at page 35 ante that as many as 20 subjects are proposed to be transferred from H.D. to L. D. Out of them 18 are dealt with in B Branch while the remaining two relating to the appointment of J.P.s, appointments and transfers of Gazetted Judicial Officers, investment of powers and disciplinary action, are now dealt with in A Branch of Since the merger of States in the Bombay Province it that the work relating to these subjects has

increased and still these branches have not been strengthened. The 18 subjects which are dealt with in B Branch constitute the major portion of the work of that Branch, the rest being almost negligible. The two subjects which are dealt with in 'A' Branch provide approximately 1/3rd of its work. The B Branch consists of a Senior Superintendant, one Senior Assistant and 2 Junior Assistans. Consequently, the whole of the B Branch staff will have to be transferred to L.D. while one Senior Assistant and one Junior Assistant of the A branch would be sufficient, and the will have to be transferred to be L.D. If any more staff is necessary to cope with the increase in work due to the merger of States, L.D. will consider this later on.

3. H.D. appears to be anxious that the relative senority vis-a-vis the L.D. staff should be determined in respect of the staff proposed to be transferred to L.D. The staff proposed to be transferred to L.D. from H.D. will obvisously constitute a separate Branch in L.D. Recruitment to the two main branches in L.D. namely 'A' and 'B' Branches, is done from Law Grduates and according to the reorganization, the promotions are to be made brach-wise However, one post of Assistant Secretary is thrown open to the Administration Branch in L.D. which post would also be available to the H.D. staff on transfer to L.D. So far as seniority of the staff proposed to be transferred to L.D. is concerned it will be determined on the basis of their present pay, and for future promotion to the post of Assistant Secretary (Administration) would be considered as duly eligible. Besides, on

[redacted] of these 20 important subjects from H.D. to [redacted] D. it is assumed that H. D.'s work will be reduced by at least 1/3rd. If so, it would be reasonable to request H. D. to surrender one of the 3 posts of Assistant Secretaries in H. D. in favour of L.D. so that the future prospects of H. D. staff proposed to be transferred to L.D. will be adequately safeguarded. In view of the increase in work in L. D. one additional post of Assistant Secretary would be necessary. It is hoped that H. D. will agree to surrender one post of Assistant Secretary.

4. Accommodation has become a serious problem in L.D. There is absolutely no space in L.D. to accommodate the new staff. The portion of H. D. office which is occupied by the staff proposed to be transferred to L. D. can be easily made available to L. D. H. D. is, therefore, requested to release that accommodation

5. L. D. will certainly make arrangements to purchase the necessary furniture in time before the staff is actually transferred from H. D. to L. D.

sd/-
23/1.

Secy. sd/- P.N.L.
23/1.

[redacted]
23/1. c/5.

Legal Department.

It appears from the extract at page 35 ante that as many as 20 subjects are proposed to be transferred from H. D. to L.D. Out of them 18 are dealt with in B Branch while the remaining two relating to the appointment of J. Ps, appointments and transfers of Gazetted Judicial Officers, investment of powers and disciplinary action, are dealt with in A Branch of H. D. Since the merger of States inthe Bombay Province it appears that the work relating to these subjects has considerably increased and still these branches have not been strengthened. The 18 subjects which are dealt with in B Branch constitute the major portion of the work of that Branch, the rest being almost negligible. The two subjects which are dealt with in 'A' Branch provide approximately 1/3rd of its work. The B Branch consists of a Senior Superintendent ~~of~~ a Senior Assistant and 2 Junior Assistants. Consequently, the whole of the B Branch staff along with one Senior Assistant and one Junior Assistant of the 'A' branch will have to be transferred to this Department. If any more staff is necessary to cope with the increase in work due to the merger of States, L.D. will consider this later on.

2. H. D. appears to be anxious that the relative seniority vis-a-vis the L. D. staff should be determined in respect of the staff proposed to be transferred to L. D. The staff proposed to be transferred to L. D. from H. D. will obviously constitute a separate Branch in L.D. Recruitment to the two main branches in L. D. namely 'A' and 'B' Branches, is done from Law Graduates and according to the re-organization, the promotions are to be made branch-wise. However, one post of

5860

One post of Assistant Secretary is thrown open to the Administration Branch in L. D. which post would also be available to the H. D. staff on transfer to L. D. So far as seniority of the staff proposed to be transferred to L.D. is concerned it will be determined on the basis of their present pay, and for future promotion to the post of Assistant Secretary (Administration) they would be considered as duly eligible. Besides, on transfer of these 20 important subjects from H. D. to this Department it is presumed that H.D's work will be reduced by least 1/3rd. If so, it would be reasonable for H. D. to surrender one of the 3 posts of Assistants Secretaries in H. D. infavour of L. D. so that the future prospects of H. D. staff proposed to be transferred to L. D. will adequately safeguarded. In view of the increase in work in L. D. one additional post of Assistant Secretary would be neceessary. It is hoped that H. D. will agree to surrender one post of Assistant Secretary.

3. Accommodation has become a serious problem in L. D. There is absolutely no space in L. D. to accommodate the new staff. The portion of H. D. office which is occupied by the staff proposed to be transferred to L. D. can be easily made available to L. D. H. D. is, therefore requested to release that accommodation.

4. L. D. will certainly make arrangements to purchase the necessary furniture in time before the staff is actually transfered from H. D. to this Department.

ed/- P.M.L.
Secretary to Government.

U. R. to H. D. No. 1261 dated the 28th January 1950.

Bhav Raokadam. c/5. 29/5.

Secretariat Organisation
and Methods Committee.

GOVERNMENT OF BOMBAY,
Political and Services Department,
Resolution No. P-286,

Bombay Castle, 25th September, 1952.

Read Government Resolution, Political and Services Department, No. 3063/46 dated the 21st September, 1950.

RESOLUTION:- Government is pleased to appoint Shri V. T. Dehejia, I. C. S., Secretary to Government, Finance Department as a member of the Secretariat Organisation and Methods Committee in the vacancy caused by the transfer of the services of Shri P. V.R.Rao, I. C.S., to the Government of India.

By order of the Governor of Bombay,

sd/-
Assistant Secretary to the Government of Bombay,
Political and Services Department.

To
The Secretary to the Government. and others.

Madhav Rookadam.
20/5. c/5.